88-1452

Supreme Court, U.S.
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NO._____

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER 1988 TERM

RODNEY F. STICH

Petitioner

UNITED STATES BANKRUPTCY COURT
Judge Edward Jellen
Respondent.

Charles Duck, Trustee
Real Party In Interest

Petition For Writ Of Certiorari

UNCONSTITUTIONAL SEIZURE OF CHAPTER 11 PROPERTIES

JURISDICTIONAL STATEMENT

Rodney F. Stich
P.O. Box 5
Alamo, Calif. 94507
Phone: 415-820-7250
Petitioner in pro se

43 pp

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QUESTIONS PRESENTED FOR REVIEW

1. Are constitutional due process rights, privileges, and protections, violated by seizing a multi-million dollar estate in a chapter 11 bankruptcy, where petitioner had sought relief from civil and constitutional violations:

a. Without the case being on the calendar, depriving petitioner of a hearing and opportunity to defend?

b. Without the statutory requirements of a noticed hearing, legally recognized cause, and evidence?

c. When a prior notice of appeal changing venue from Las Vegas to Oakland, and of the order seizing the properties, deprived the court of jurisdiction?

2. Are constitutional due process protections violated by the January 20, 1989 order barring petitioner from court access and lawful remedies, depriving him of relief from the taking of his life's property accumulations?

5. Does the total judicial due process gridlock

within the Ninth Circuit courts infer a de facto subversion of the laws and constitution of the United States, to silence petitioner's exposure of a major, tragedy riddled, air disaster and superimposed judicial scandal?

6. Can the justices of the Supreme Court, under these conditions, refuse to address the grave allegations and implications stated herein?

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App. A: January 20, 1989 order Ninth Circuit Court of Appeals, denying injunctive relief and barring petitioner from seeking relief from the great and irreparable harm.

App. B: September 11, 1987 order of abstention.

App. B: August 8, 1987 order appointing trustee in chapter 11 cases.

OPINIONS BELOW

The Court of Appeals order denying relief, and barring court access and due process, was filed January 20, 1989. (Appendix "A.")

JURISDICTIONAL STATEMENT

The jurisdiction of this court arises pursuant to (a) Supreme Court Rules 17 and 18 to review the order of the Court of Appeals; (b) Rules 26 and 27 for an extraordinary writ; (c) Title 28 United States Code Section 1651(a) (issue writs in aid of respective jurisdiction); and (d) Title 28 U.S.C. § 1343 and Title 42 U.S.C. § 1986 (power and responsibility to prevent or aid in the prevention of repeated violations of rights and protections under the laws and constitution of the United States).

CONSTITUTIONAL AND STATUTORY PROVISIONS

The Constitutional provisions includes:

A. The Fifth Amendment protection against taking of property without due process and equal protection.

B. Fifth Amendment due process and equal protection, barring access to Congressional statutes and the Constitution of the United States.

C. First Amendment right to court access to address violations of protected rights.

The statutory provisions include:

A. Title 11 United States Code Section 1104, which requires a noticed hearing; requires cause; and requires supporting evidence; before seizing chapter 11 bankruptcy estate properties.

B. Title 28 U.S.C. Section 1331, which provides mandatory court jurisdiction for relief from violations of constitutionally protected rights.

C. Title 28 U.S.C. Section 1343 and Title 42 U.S.C. § 1986, requiring any party, including the Justices of the Supreme Court, to prevent, or aid in the prevention, of the widespread judicial violations of rights, privileges, and protections under the laws and constitution of the United States.

FEDERAL QUESTIONS ARE SUBSTANTIAL

A pattern of major violations of fundamental constitutional rights and protections has emerged from the Ninth Circuit courts, of which the present issue is but one in a pattern of judicial duplicity subverting the laws and constitution of the United States and the

integrity of the federal judiciary.

There exists in the Ninth Circuit federal courts a widespread judicial scheme, with the intent of violating rights and protections under the laws and constitution of the United States, to silence petitioner's exposure of an air safety/air disaster scandal, upon which has been superimposed a Justice Department and judicial scandal. Lives are being sacrificed in the underlying air safety scandal, hard-core subversive activities are occurring, traumatizing and threatening our form of government. These covert activities require total judicial due process gridlock, suspending the rights, privileges, and protections under laws passed by Congress, under constitutional protections, and published decisions that do not reflect the real world activities in the federal courts.

The gravity of these acts, the widespread damaging effect upon the United States, requires the Justices of the Supreme Court to exercise their supervisory responsibilities, and provide petitioner, and the national interests, immediate assistance.

The decisions of the bankruptcy court, the district

court, and the court of appeals, ordering, approving, the seizure of a petitioner's life estate, while simultaneously barring him court access, infers a scheme that demands "exercise of this Court's power of supervision." (Rule 17)

STATEMENT OF THE CASE

Petitioner had filed personal and corporate bankruptcy under chapter 11, to obtain relief from a series of civil and constitutional violations arising from an attempt to silence petitioner's exposure of a major air safety/air disaster scandal upon which had been superimposed a Justice Department and judicial coverup scandal. When federal courts refused to exercise their mandatory jurisdiction and withheld relief, petitioner was forced to seek relief by filing chapter 11 bankruptcy for his personal and corporate assets.

Mimicking the federal courts, the bankruptcy courts refused to provide relief from the civil and constitutional violations, and rendered an order refusing to accept jurisdiction, and ordering dismissal of the two cases. Then, without any hearing on the corporate estate, and during a noticed hearing on the personal case

for removal of the automatic stay, an order was rendered on September 28, 1987 seizing petitioner's properties, his home, his business, and his assets, despite the healthy condition of the estates.[1]

The written order appointing the trustee stated the hearing was held on October 8, 1987. But there wasn't any hearing on that date, and the false date was needed to circumvent the procedural requirement in that the verbally rendered order of abstention of September 11, 1987 was signed during the September 28, 1987 hearing, after the order seizing petitioner's properties was verbally rendered.

The constitutional requirement of due process was blatantly violated. The congressional requirement in Title 11 U.S.C. § 1104, was violated, which required a noticed hearing, legally recognized cause, supporting evidence, and other rights and protections. The seizure occurred after Las Vegas bankruptcy judge Robert Jones rendered a September 11, 1987 order refusing to accept

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[1] The nine million dollars of increasing real estate values were subject to only four million in liabilities, all safely secured by mortgages.

jurisdiction, abstaining, and ordering dismissal in 60 days.

Concurrently, petitioner was sabotaged by his own legal counsel, and was forced to appear in pro se, without funds, and without legal counsel. Since that time the court and the trustee have refused to provide petitioner with funds to hire legal counsel, while looting the estate to pay for the trustee's counsel to oppose removal of the trustee.

On December 16, 1987, on the request of the parties committing the civil and constitutional violations and who had no legal claim to the estate, judge Jones rendered an order transferring venue from Las Vegas to Oakland. Petitioner filed a timely notice of appeal. Petitioner also filed a notice of appeal of the order appointing the trustee, either and both of which then halted all further proceedings on matters affected by the appeals.

The appeals were ignored, the cases transferred, and orders rendered liquidating the chapter 11 properties, de facto converting the chapter 11 cases that had no financial problems, into a chapter 7 liquidation.

Every attempt to obtain relief from the bankruptcy courts, the bankruptcy appellate panel, the district court, the Ninth Circuit Court of Appeals, was rejected, either by refusing to respond to the petitions for relief, or by orders barring petitioner from filing any notices of appeals, oppositions, or other papers.

Petitioner filed a complaint in mandamus, which was dismissed by district Judge Legge[2] without a hearing, on the holding that a prior injunctive order by district judge Samuel Conti[3] permanently barred petitioner from filing any action in any state or federal court. Without a hearing, Judge Conti dismissed petitioner's complaint which stated multiple federal causes of action, and labeled petitioner a vexatious litigant for seeking relief from the onslaught of civil and constitutional violations that were causing terminal destruction of protected human rights. The injunctive orders barring petitioner from court access during the judicial attacks became common place in the Ninth

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[2] N.D. Cal. C 88-1890; CA No. 88-2758.

[3] C-86-0384.

Circuit tactics to protect the violations.[4] After petitioner filed notices of appeal of these injunctive orders, and exercised rights that would otherwise be lost, seeking to halt the terminal destruction of protected rights, he was held in criminal contempt and sentenced to prison.[5] In this manner, the federal courts have been corrupted, and seek to sequester evidence of the tragedy-causing air disaster misconduct, and their role in the coverup and the scheme to silence petitioner by his destruction. Bankruptcy judge Edward Jellen engaged in these tactics. After corruptly seizing petitioner's assets, Judge Jellen rendered orders barring petitioner from filing oppositions, appeals, and other papers. When petitioner exercised these rights, Judge Jellen, without a trial, sentenced petitioner to prison for purported criminal contempt. The ramifications upon our form of government, and upon the lives of its citizens, are grave.

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[4] Judge Milton Schwartz, E.D. Cal. action 86-210; Judge Marilyn Petal, N.D. Cal. action 85-3600; Judge Samuel Conti, N.D. Cal. action 88-1890; Judge Edward Jellen.

[5] E.D. Cal. CR 86-124 RAR; N.D. Cal. 88-4279 SC.

As petitioner's life assets were being liquidated, and his personal rights were traumatically affected, petitioner filed an emergency petition for relief. The Ninth Circuit duplicated the earlier due process gridlock, and as shown in their January 20, 1989 order (Appendix "A"), approved the massive violations of constitutional and federal protections, and again barred petitioner access to the courts.

Petitioner has been converted from a multi-millionaire, in excellent financial shape, using his funds to expose the air disaster and judicial scandal, to a state of destitution, following repeated violations of due process and equal protection by numerous judges and justices in the Ninth Circuit courts.

REASONS FOR GRANTING THE WRIT

Supreme Court Rule 26 requires that the issues raised in the petition "aid in the Court's appellate jurisdiction, that there are present exceptional circumstances warranting the exercise of the Court's discretionary powers, and that adequate relief cannot be had in any other form or from any other court." Rule 17 provides for this Court to exert its supervisory respon-

sibilities when a lower court has so far departed from the accepted and usual course of judicial proceedings.

Exceptional circumstances include:

A. Outrageous injustices misusing the federal judiciary, blatantly violating every relevant right, privilege, and protection under the Constitution of the United States, under Congressionally passed legislation, and Supreme Court decisions that camouflaged the reverse activities in the lower courts in unpublished decisions.

B. Engineered pattern of repetitive acts violating clear and settled law and constitutional protections, with the clear intent to destroy petitioner's exposure of the nation's tragedy riddled air safety/air disaster scandal, upon which has been superimposed a judicial coverup, a judicial scheme to silence petitioner, pattern of injunctive orders barring petitioner access to the courts and to the protection of law and constitution, while the court is simultaneously misused to destroy the person with the evidence to expose the corrupt causes behind some of the nation's worst air tragedies.

B. The hard-core, criminal misuse of the federal judiciary, destroying a citizen to silence his exposure

of government corruption.

C. The undermining of our form of government by federal judges paid and entrusted to uphold the law and constitution of the United States.

ARGUMENT

I. FUNDAMENTAL DUE PROCESS WAS VIOLATED BY SEIZING AND LIQUIDATING PETITIONER'S ASSETS

Constitutional due process and Congressionally passed statutes were shockingly violated by seizing the life's assets of a whistleblower, to silence him, (1) without constitutional due process right to defend; (2) without the statutory requirement of a noticed hearing, legally recognize cause, supporting evidence.

As if the laws and constitution did not exist, those entrusted to uphold the law simply seized petitioner's life's assets, after petitioner sought refuge in chapter 11 from the earlier civil and constitutional violations. Those who engineered the violations simply exerted their control over the bankruptcy judges hired and retained by the district court judges and justices of the Ninth Circuit.

A. **The Seizure Occurred With Blatant Violation Of Constitutional Due Process Right To Defend**

The Supreme Court has long held that a hearing and application of due process must occur before property interests may be taken. Wolff v. McDonnell (1974) 418 U.S. 539, 557-588 ("The Court has consistently held that some kind of hearing is required before a person is finally deprived of his property interests.") Mathews v. Eldridge, 424 U.S. 319, 333 (1976) (The fundamental requirement of due process is an opportunity to be heard at a meaningful time and in a meaningful manner.) Vanelli, 667 F.2d at 780 (At a minimum, due process requires notice and a hearing where the individual has a meaningful opportunity to confront the evidence against him.).

CONSTITUTION PROVISIONS

The Fifth Amendment requires:

> No person ... [may be] deprived of life, liberty, or property, without due process of law;

B. **The Statutory Requirements For a Noticed Hearing, Legally Recognized Cause, Evidence, Were Openly Violated**

The seizing of the corporate estate, and the personal estate, were made without the statutory requirement of a noticed hearing. (Title 11 U.S.C. § 1104) The clerk's docket sheet shows that the hearing calendared on the September 28, 1987 date the property was ordered seized was on the personal bankruptcy, and limited to a motion to lift the automatic stay.

None of the legally recognized causes for removal of a chapter 11 debtor in possession were alleged during the hearing at which the order was rendered seizing petitioner's properties. (Fraud, dishonesty, or gross mismanagement.) The only argument that was raised, without petitioner's right to defend, was that petitioner was held in criminal contempt by a part-time magistrate, for filing federal actions seeking relief for himself from the constitutional violations and addressing the air disaster misconduct and felonies. (Magistrate John Moulds, E.D. Cal, CR 87-124 RAR).[6]

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[6] That judgment was on appeal. Petitioner was held in criminal contempt of an illegal injunctive order which barred petitioner from filing any action in any state or federal court, for any reason whatsoever. Petitioner had filed two federal actions (D.C. No 86-2523, N.D. Cal. 86-6046), alleging multiple federal causes of action of constitutional magnitude, that exposed gov-

C. **The Order Seizing Petitioner's Assets Was Rendered Without Jurisdiction, While An Order Of Abstention Was In Effect**

The verbal order seizing petitioner's properties was rendered on September 28, 1987, and signed on October 8, 1987. But on September 11, 1987, an order was verbally rendered refusing to accept jurisdiction over the two bankruptcy cases, which had never been vacated or subject to any hearing to vacate.

D. **The Subsequent Orders Causing Property Liquidation Occurred After Notice of Appeals Deprived the Court Of Jurisdiction**

Petitioner filed notice of appeal on December 18, 1987 of the order changing venue to Oakland. Petitioner followed that notice of appeal by notice directed to the order seizing petitioner's assets through the trustee appointment. The filing of notice of appeal halted the court's jurisdiction over matters affected by the

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ernment and judicial misconduct related to what has become the world's worst air disaster scandal in which the death toll is increasing by the hundreds and passing through the thousand marks. Petitioner was held in contempt for not committing the criminal act of cover-up.

appeals.[7]

II. THE JANUARY 20, 1989 ORDER JUDICIALLY APPROVES THE MAJOR VIOLATIONS, AND BARS PETITIONER FROM SEEKING RELIEF

The January 20th Ninth Circuit order (1) protects the violators; (2) approves the major violations of rights and protections under the laws and constitutional of the United States arising from the seizure of the assets; (3) continues the suspension of law in the earli-

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[7] Masalosalo v. Stonewall, 718 F.2d 955 (9th Cir. 1983) ("The effective filing of a notice of appeal transfers jurisdiction from the district court to the court of appeals with respect to all matters involved in the appeal. ... We have held that jurisdiction over a case is immediately transferred to the court of appeals from the filing of a sufficient notice of appeal "with respect to any matter involved in the appeal. ... the district court was without jurisdiction to make the award. ..."; Donovan v. Mazzola, 761 F.2d 1411 (9th Cir. 1985) ("The Ninth Circuit follows the general rule ... that the filing of a notice of appeal divests the district court of jurisdiction over the matters appealed. Cowans Bankruptcy Law and Practice, (1987), Section 18.7, entitled "Loss of Jurisdiction by the Bankruptcy Court on Appeal: The jurisdiction of the bankruptcy court terminates once an appeal is taken just as the district court loses jurisdiction once an appeal is taken to the circuit. In re Reddis 37 B.R. 217 (E.D.Pa. 1984); In re Butcher Boy Meat Market, Inc., 10 B.R. 258 (Bkrtcy.E.D.Pa. 1981); In re Excavation Construction Inc., 8 B.R. 752 (D.Md 1981). The jurisdiction of the bankruptcy court terminates once an appeal is taken just as the district court loses jurisdiction once an appeal is taken to the circuit.

er injunctive orders barring petitioner access to the courts, all of which perverts their responsibilities as federal judges to the Congressionally passed statutes, fundamental constitution rights, privileges, and protections, and the Supreme Court decisions which are routinely violated in unpublished decisions, of which the instant action is a classic.

III. THE PATTERN OF DELIBERATE CONSTITUTIONAL VIOLATIONS COMMITTED BY COORDINATED NINTH CIRCUIT ACTIVITIES HAVE ALARMING IMPLICATIONS

The extent of the judicial due process gridlock, the implications of actual criminal misconduct by Ninth Circuit judges and justices, the gravity of the violations, invokes mandatory jurisdiction of the Supreme Court under supervisory responsibilities articulated in Rule 17, in Title 28 U.S.C. § 1343, in Title 42 U.S.C. § 1986, the oath of office to uphold the laws and constitution of the United States, and other authority.

Petitioner is suffering great and irreparable harm, injustices that shocks the conscience, by a Ninth Circuit judiciary that is running amuck and trampling rights, privileged, and protections under the laws and

constitution of the United States. There is a major government scandal that commenced with petitioner's discovery of what is probably the world's worst air safety/air disaster scandal. The Ninth Circuit, either on its own initiative, or by higher directions, embarked on a pattern of coverup, and then a pattern to destroy the whistleblower. When the scheme was recognized, the entire Ninth Circuit corrupted itself and is now embarked on a solid judicial gridlock to destroy a citizen who used his assets and time to protect others that every known check and balance within the United States willingly sacrificed to protect the violators.

The Supreme Court again must make a decision: (1) dismiss the petition, either directly, or indirectly by barring its filing using through the Court clerk again fabricating excuses to bar the filing; (2) sacrifice the lives that will continue to be sacrificed in the underlying air disaster scandal; (3) permit the hard-core subversion of our form of government to continue; or, (4) provide the relief that the Justices are paid and entrusted to provide, and that is long overdue.

IV. REFERENCE TO OTHER ACTIONS TO SHOW THE ROOT CAUSE FOR THE NINTH CIRCUIT DUE PROCESS GRIDLOCK

The national implications of the underlying scandal and harm inflicted upon the nation as a whole, upon individual who have and will continue to perish in the related air disaster scandal, and upon petitioner, justifies reference to the basis for the constitutional outrages.

Reference is made to allegations and facts stated in the following federal actions. Stich v. Department of Justice, D.C. No. 86-2523 and 87-2114; USA v. Stich, E.D. Cal. CR 124 RAR.

These actions describes petitioner's discovery of graft, corruption, felonies, related to a series of brutal air tragedies, initially uncovered while acting as a government air safety investigator. The misconduct was discovered within the two federal air safety agencies upon which the public relies for their air safety--the Federal Aviation Administration and National Transportation Safety Board. To circumvent the block to exposure and corrective actions, petitioner made formal reports to the Department of Justice and members of

the United States Senate and House. Either because of their participation in the misconduct, or to protect tentacles of self-interest, the coverup continued, even after admitting the gravity of the violations. The crashes and deaths continued.

Petitioner sought to circumvent the expanding obstruction of justice by filing federal actions in the United States District Court, Northern District of California. The district court and the Court of Appeals, after admitting the gravity of the allegations, wrongfully dismissed the actions. Petitioner sought relief for those who would continue to perish from the effects of the misconduct by filing petitions for writ of certiorari

with the Supreme Court.[8] These actions knowingly sacrificed many hundreds of lives in specific airline crashes, which is continuing to this date.

To circumvent this block, petitioner escalated his exposure actions by turning to the public via published books and hundreds of radio and television appearances, which threatened to expose those directly committing the air safety misconduct, and those making possible the wrongful acts by their coverup.

Shortly after the Supreme Court refused to grant a hearing in 1982 of the action against the National Transportation Safety Board, the onslaught of judicial violations commenced against petitioner, misusing the

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[8] Stich v. Federal Aviation Administration, DC # 74982 RHS; CA # 75-2300; certiorari to U.S. Supreme Court No. 77-30 (addressed air safety misconduct and felonies by the FAA, associated with series of fatal airline crashes; judges and justices admitted the gravity of the issues, and them fabricated excuses to dismiss the action); Stich v. National Transportation Safety Board, DC # 80-4526SAW; CA # 82-8272; certiorari to U.S. Supreme Court No. 82-93 (addressed misconduct by NTSB covering up for highly sensitive crash-causing misconduct in specific airline crashes).
(77-30 and 82-93). The Court refused to provide relief, making possible many of the subsequent fraud-related deaths.

California courts in a cause of action that had been prohibited by Supreme Court decisions for the past half century, violating over 20 California statutes, over ten rules of court, over five doctrines of law, California constitutional protections, and California Supreme Court decisions. In addition, numerous federal question rights were violated. Attempts to obtain relief from the California Court of Appeals and California Supreme Court encountered a solid judicial gridlock. Each and every one of these wrongful acts raised federal causes of action under the Civil Rights Act, the RICO Act, declaratory judgment statutes, and under constitutional remedies and court access.

EXERCISING FEDERAL REMEDIES

In desperation, petitioner sought relief from the major federal question violations in Ninth Circuit federal courts,[9] the same courts that had obstructed the exposure of the air disaster scandal and who were thereafter threatened by petitioner's exposure activities.

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[9] E.D. Cal, No. 84-048; 86-210; and others.

Relief was sought on the basis of the multiple violations of civil and constitutional rights.[10] The rights, privileges, protections under the Constitution and Congressionally passed statutes, and published decisions, were repeatedly violated and denied to petitioner. A solid judicial due process gridlock existed.

Multiple federal causes of action of constitutional magnitude[11] were stated with specific facts, and even proved by taking judicial notice of the California proceedings, which barred dismissal of the actions. The pattern in federal courts since 1984 became standard operating procedures in the Ninth Circuit courts: (1)

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[10] Orders rendered under color of state law, causing great and irreparable harm, without personal jurisdiction and without subject matter jurisdiction, violating clear and settled state law, violating federal question rights, bad faith conduct; right to unabridged interstate travel, right to a divorce, right to have it recognized, due process and equal protection, and others.

[11] Orders rendered under color of state law; causing great and irreparable harm; violating over two dozen California statutes and rules of court; violating federal question rights, including constitutional right to unabridged interstate travel, right to obtain a divorce, right to exercise jurisdiction on basis of residence, violations of Civil Rights Act, RICO Act, declaratory judgment statutes.

Reverse the Supreme Court's and common sense definition of frivolous, and place a frivolous label upon petitioner's federal causes of action of constitutional magnitude; (2) order severe financial sanctions against petitioner, to be paid to those committing the violations, which exceeds $150,000 at this time; (3) dismiss the actions in clear violation of case law, rules of court, statutory law, and constitutional protections, seeking "support" in the reverse frivolous label; (4) render a litany of injunctive orders barring petitioner access to the courts and suspending the laws and constitution for petitioner, while simultaneously misusing the judicial process to finish off petitioner, seizing his assets, putting him in prison for exercising constitutional remedies, and inflicting chaos into his personal life; (5) and then calling him a vexatious litigant for desperately seeking relief from the judicial cowards who inflict their outrages upon petitioner, and even upon the little children and others who perish in fraud-related airline disasters in which they are no match for this brand of judicial misconduct.

Every attempt to obtain relief from the Supreme

Court, commencing with the air disaster mandamus actions, to relief from the multiple violations commencing in 1982, were without success.[12] Many of the rejections used the clerk of the Supreme Court feigning excuses for not filing the papers. The Justices of the Supreme Court were put on notice, both by the attempted filings, the actual filings, and copies sent to the justices themselves.

The Only Country That Imprisons An Air Safety Expert For Exposing Air Disaster Felonies

The Ninth Circuit mentality and interpretation of the laws and constitution of the United States, has perverted the meanings to where prison and total destruction of human rights, protected personal and property rights, are the consequences of exercising moral and legal responsibilities.

Judicial misconduct in the Ninth Circuit, that either originates in that circuit, or is responsive to high-

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[12] Appeal A-313, 1984 term, which was unfiled after filing and returned; appeal 86-424 1985 term; and over six petitions for relief from the imprisonment for exercising constitutional remedies, relief from the corrupt seizure of petitioner's assets, and relief from the judicial conspiracy infiltrating the Ninth Circuit courts.

er judicial dictates, has perverted the judicial process. The issues in this petition are but the tip of an iceberg, wherein the totality of the judicial misconduct infers unmistakably, a corruption of the federal courts and hard-core attacks upon our form of government.

CONCLUSION

We have here issues that shock the conscience, and that invokes mandatory Supreme Court jurisdiction. Major national issues of great importance are stated and involved in this petition. Crass and dangerous wrongdoings of the entire Ninth Circuit courts are described and inferred. There can be no doubt that a pattern of major constitutional violations is deeply rooted in the Ninth Circuit court mentality, that threatens our way of life and our form of government.

Petitioner requests that this Court grant certiorari, and to provide an immediate writ of prohibition or writ of mandamus ordering:

1. Stay of all bankruptcy court proceedings.

2. Stay of all trustee expenditures.

3. Receive briefs for vacating trustee appointment order; for return to petitioner of all funds received by

trustee from the seizure of petitioner's estate, minus the amounts paid out in mortgage payments and operating supplies directly used in the operation of the business; return the properties and the business to petitioner, to the condition found at the time of seizure of the properties; solely at the trustee's expense.

4. Reinstate the automatic stay against all state and federal proceedings, until such time as petitioner has regained control of the estate.

5. Address the civil and constitutional violations that forced petitioner to seek relief in chapter 11 bankruptcy.

6. Provide for the dismissal of the bankruptcy cases, after petitioner has had time to reorganize the damage accomplished by the illegal trustee appointment.

7. Provide for the investigation of judicial misconduct in the Ninth Circuit, in such a manner as to minimize any coverup.

Dated: February 13, 1989.

_____
Rodney F. Stich
Petitioner in pro se

AFFIDAVIT

I, Rodney F. Stich, declare:

The facts stated in this declaration are true to the best of my knowledge and belief. Executed this 13th day of February 1989 in the town of Alamo, State of California.

Rodney F. Stich

No. _____

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER 1988 TERM

RODNEY F. STICH

Petitioner

UNITED STATES BANKRUPTCY COURT
Judge Edward Jellen
Respondent.

Charles Duck, Trustee
Real Party In Interest

Petition For Writ Of Certiorari

UNCONSTITUTIONAL SEIZURE OF CHAPTER 11 PROPERTIES

APPENDIX

Rodney F. Stich
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Petitioner in pro se

[Appendix "A"]

FILED
Jan. 20, 1989

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RODNEY F. STICH, et al.,

Petitioners,

vs.

U.S. BANKRUPTCY COURT, et al.,

Respondents.

No. 89-70016

Order

Before: WIGGINS, O'SCANNLAIN, and TROTT,
Circuit Judges

Petitioners' petition for a writ of mandamus to the bankruptcy court, request for removal of the trustee, and request for an emergency temporary restraining order are denied.

The court is aware of several prior attempts by petitioner to disrupt the orderly processes of the Bankruptcy Court by filing "emergency" petitions for relief in this court. These have been denied. Furthermore,

petitioner's appeal from a decision of the Bankruptcy Appellant Panel denying similar requests for relief is currently pending (appeal no. 88-15114). Accordingly, the Clerk shall refuse to file any further petitions for relief from orders entered or actions taken by the Bankruptcy Court in dockets BK-8-87-123748 or BK-8-87-13758 without prior leave of court. Any such application shall be lodged only, and submitted to the current motion panel for review before filing will be allowed.

MoCal 1/18-89

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Appendix "B"

Filed Sep 28, 1987

United States Bankruptcy Court
District of Nevada

In re BK-S-1376

Rodney F. Stich Chapter 11

Debtor

In re BK-S-87-2067

Western Diablo Enterprises, Inc.

Debtor Order Modifying
Automatic Stay

Date: September 11, 1987
Time: 9:00 a.m.

_____/

On September 11, 1987 the MOTION FOR RELIEF FROM AUTOMATIC SSTAY; and MOTION FOR APPOINTMENT OF TRUSTEE OR EXAMINER WITH EXPANDED POWERS filed by Emma Stich and by Friedman, Sloan & Ross came on for hearing. Also before the Court was the continued hearing on the MOTION FOR RELIEF FROM STAY filed by Robil, Inc.

Present were the Debtors and Joshua M. Landish and Vernon L. Bradley on behalf of the Debtors; Rene Ellen Feinstein and Jeffrey S. Ross on behalf of Emma

Stich and Friedman, Sloan & Ross; and Estelle C. Mannis on behalf of Robil, Inc.

Having reviewed the pleadings on file herein and heard the rguments of counsel, it is the determination of this Court that it should abstain from hearing the above-captioned bankruptcy c ases and therefore, pursuant to 11 U.S.C. § 305, an order dismissing the cases will be entered within 60 days of the hearing. Pending dismissal of the cases,

IT IS HEREBY ORDERED that the automatic stay is modified as follows:

1. The automatic stay is hereby terminated with respect to all litigation pending by or against the Debtor in all state and federal courts, including the California Court of Appeal.

2. The automatic stay is not terminated with respect the commencement or continuation of any foreclosure against any property of the above-captioned bankruptcy estates.

3. The Debtors shall forthwith do whatever is necessary to achieve refinancing of the secured Notes held by Robil, Inc. and the parties shall appear before

the Court for a satus shearing on November 10, 1987 at 1:30 a.m.

Dated this 28 day of September, 1987.

Judge Robert Jones

Appendix "C"

Filed Oct 8, 1987

United States Bankruptcy Court

District of Nevada

In re: BK S 87 2067
Chapter 11

Western Diablo Enterprises, Inc.
Debtor

_____/

Order Appointing Trustee

Pursuant to the hearing on October 8, 1987,

IT IS HEREBY ORDERED that CHARLES DUCK be appointed Trustee in the above-entitled bankruptcy.

IT IS HEREBY ORDERED that a bond shall be obtained for an amount equal to funds held by the Trustee.

DATED this 8th day of October 1987.

Judge Robert Jones

DECLARATION OF SERVICE BY MAIL

I, Loes Remington, declare I am over the age of 18 years, and not a party to this action. My place of residence is 238 Leisure Lane, Reno, Nv 89502.

On February 17, 1989 I served a copy of this jurisdictional statement in an envelope addressed to each of the persons named below, at the address stated, and deposited the envelope in the United States mail at Reno, Nevada, with first class postage fully prepaid.

U.S. Bankruptcy Court, 13th and Alice, Oakland, CA. 94604

U.S. Court of Appeals, Box 547, San Francisco, CA 94101

Goldberg, Stinnett, and MacDonald, Suite 1700, 44 Montgomery St, San Francisco, CA 94104.

Executed on February 17, 1989, at Reno, Nevada.

I declare under penalty of perjury that the foregoing is true and correct.

Loes Remington

Supreme Court, U.S.
FILED
~~APR 11~~ 1989
MAR 23
JOSEPH F. SPANIOL, JR.
CLERK

Case No. 88-1452

IN THE SUPREME COURT

OF THE

UNITED STATES

October 1988 Term

RODNEY F. STICH,
Petitioner,
v.
UNITED STATES BANKRUPTCY COURT,
JUDGE EDWARD JELLEN,
CHARLES DUCK, TRUSTEE,
Respondents.

On Writ of Certiorari to the United States
Court of Appeals for the Ninth Circuit

OPPOSITION OF RESPONDENT, CHARLES DUCK, TRUSTEE TO PETITION FOR WRIT OF CERTIORARI

GOLDBERG, STINNETT & MACDONALD
A Professional Corporation
MERLE C. MEYERS
TRACY GREEN
44 Montgomery Street, Suite 1700
San Francisco, California 94104
Telephone: (415) 362-5045
Counsel of Record for
Charles Duck, Trustee

34pp

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I

STATEMENT OF THE CASE[1]

Rodney F. Stich, the petitioner herein (hereinafter "Stich") filed a chapter 13 petition for relief in the United States Bankruptcy Court for the District of Nevada on May 19, 1987, which case was converted to a chapter 11 case on July 22, 1987 (case number BK-S-87-1376). Western Diablo Investment Co. (hereinafter "Western"), Stich's wholly-owned corporation, filed a petition for relief under chapter 11 of the United States Bankruptcy Code in that same Court on July 28, 1987, (case number BK-S-87-02067). Charles Duck, respondent herein, was appointed the chapter 11 trustee in bankruptcy on October 8, 1987, by Judge Robert Jones in both bankruptcy cases. Subsequently, on December 14, 1987, the aforementioned cases were transferred to the United States Bankruptcy Court for the Northern District of California, Oakland Division, and were both assigned to the Honorable Edward D. Jellen.

Stich has filed numerous briefs seeking to remove the trustee and to reconsider the trustee's appointment. To date, Stich's requests have been denied. Stich has sought review of the denial of his requests at the Bankruptcy Appellant Panel level (which requests have been denied), and he sought review in the Ninth Circuit, all of said requests have been denied, except one: Appeal Number 88-15114.

Despite the fact that Stich has an appeal pending in the Ninth Circuit on the identical issues raised in the within petition, he now seeks this Court's acceptance of his petition for writ of certiorari of a Ninth Circuit order denying his petition for a writ of mandamus to the Bankruptcy Court, request for removal of the trustee, and request for an emergency temporary restraining order (see Appendix, Exhibit No. 1 attached hereto). Said Order denied Stich's requests on the grounds that:

---

[1] The parties to this case appear to be as follows: Petitioner: Rodney F. Stich; and Respondents: 1) The United States Bankruptcy Court, 2) The Honorable Edward D. Jellen, United States Bankruptcy Judge, and 3) Charles Duck, the Chapter 11 Trustee in Bankruptcy (and respondent herein).

> "The Court is aware of several prior attempts by petitioner to disrupt the orderly process of the Bankruptcy Court by filing 'emergency' petitions for relief in this Court. These have been denied. Furthermore, petitioner's appeal from a decision of the Bankruptcy Appellate Panel denying similar requests for relief is currently pending (appeal number 88-15114)." (See Appendix, Document No. 1.) (Emphasis added.)

Said Order also restrains Stich from filing any further petitions for relief in the Ninth Circuit, without leave of the Ninth Circuit, which arise from any action taken by the Bankruptcy Court.

Additionally, Stich has been enjoined by the United States District Court for the Northern District of California from filing any civil actions in any federal court without obtaining leave of the district court in accordance with certain procedures set forth in Judge Samuel Conti's Judgment and Order of Dismissal and Injunction filed on June 6, 1986 (see Appendix, Exhibit No. 2 attached hereto). Stich was also enjoined by Judge Edward D. Jellen, United States Bankruptcy Judge, from filing any actions in any state court without leave of the Bankruptcy Court in accordance with certain procedures set forth in his order dated January 4, 1989, (see Appendix, Exhibit No. 3 attached hereto). In sum, Stich has been restrained from initiating any procedure without leave of one of the aforementioned courts because he is a vexatious litigant.[2]

---

[2] Stich has been found in contempt for violating certain court orders, and has been jailed for his contempt of court. However, Stich has never been jailed by Judge Edward D. Jellen, as Stich contends in the within petition at page 8. Judge Jellen has found Stich in contempt of court and has recommended to the district court, by withdrawing the reference on this matter, that such contempt be sanctioned with criminal penalties; however, to date the district court has taken no action on this matter.

Stich now seeks this Court's intervention to halt an alleged conspiracy which he claims has manifest itself in the injunctions set forth hereinabove, and which allegedly arises from a widespread conspiracy to silence Stich's attempt to expose a federal aviation scandal. In reality, Stich is the subject of the aforementioned injunctions because he continually files frivolous lawsuits against virtually anyone who has any connection to his currently pending dissolution action and/or his bankruptcy case. The roster of his defendants includes a California Supreme Court Justice, and Judges in the United States District Court of the Northern District of California and Eastern District of Nevada, California Court of Appeals, and California Superior Court, in addition to numerous individuals.

II

SUMMARY OF THE ARGUMENT

Stich seeks review of an order denying his request to the Ninth Circuit Court of Appeals to issue a writ of mandamus to the bankruptcy court, remove the trustee and request for an emergency temporary restraining order. He contends that the trustee was originally appointed at a hearing at which he was not given an opportunity to object to the appointment of the trustee. However, Stich fails to mention the occasions that the bankruptcy courts and appellate courts have reconsidered the appropriateness of the trustee's appointment, upon proper notice to Stich, and in each instance it was determined that a trustee was needed. Furthermore, Stich currently has pending in the Ninth Circuit, an appeal from a decision of the Bankruptcy Appellate Panel denying similar relief requested in the within writ. Since Stich has other adequate remedies by which his rights can be vindicated, the Ninth Circuit acted within its discretion to deny the writ of mandamus, and other relief requested.

Additionally, Stich has failed to raise any legitimate basis for granting the review of his petition. He does not satisfy the criteria set forth in Supreme Court Rule 17, or pursuant to Supreme Court Rule 26. Numerous injunctions have been issued which attempt to curtail Stich's litigious conduct, and a chapter 11 trustee was appointed in Stich's chapter 11 bankruptcy case. However,

none of those actions have deprived Stich of his due process rights, and there is no evidence that he is the victim of a widespread government conspiracy to prevent him from exposing an airline scandal.

III

ARGUMENT

A. Background

Prior to filing the within bankruptcy cases, Stich wrote a book in which he claims to have disclosed certain scandalous matters relating to a cover-up by the government of known safety risks to the public in the airline industry. Subsequently, Stich became involved in a contested dissolution proceeding regarding the validity of a "Mexican" divorce that took place approximately twenty (20) years ago. Stich believes that the dissolution proceeding was somehow the product of a widespread government conspiracy to prevent him from exposing the major aviation scandal.

The details of the dissolution proceeding are beyond the scope of the within pleading; however, suffice it to say that during the course of the dissolution proceeding Emma Stich, Stich's putative wife, filed a lis pendens on all of Stich's property. Stich reacted by filing his bankruptcy cases: one in his individual capacity and one for his wholly owned corporation, Western.

Emma Stich filed a motion for relief from the automatic stay and appointment of trustee or examiner with expanded powers. Stich filed an opposition to said motion on September 4, 1987. Said matter was heard by the Honorable Robert Jones on September 11, 1987. The Court did not rule on the merits of the motion to appoint a trustee at that time; however, the stay was modified to allow Emma Stich to proceed with the dissolution proceeding. In addition, the Court stated in its order:

> ... it is (sic) intent of this Court that it should abstain from hearing the above-captioned bankruptcy cases and, therefore, pursuant to 11 U.S.C. §305, an order dismissing

> the cases will be entered within 60 days of the hearing . . . . (see Appendix, Exhibit No. 4).

However, no order dismissing the case was ever entered. On October 8, 1987, Judge Robert Jones entered an order appointing Charles Duck as the chapter 11 trustee in bankruptcy in both of the above-referenced cases. On December 14, 1987, Judge Robert Jones entered an order transferring the venue of both cases to the United States Bankruptcy Court for the Northern District of California, Oakland Division.

Stich filed a motion for Order vacating the order appointing the trustee, or in the alternative, for an order removing the trustee, which motion was heard on December 14, 1987, in the Nevada Bankruptcy Court. The record reflects that Judge Jones denied Stich's motion; however, no order was actually entered because venue was transferred before Judge Jones signed the proposed written order. On December 15, 1987, Stich filed a motion for reconsideration. The Nevada Bankruptcy Court instructed the trustee's counsel to notify creditors that said motion would be heard by Judge Edward D. Jellen, United States Bankruptcy Judge for the Northern District of California, Oakland Division.

On February 4, 1988, Judge Edward D. Jellen heard Stich's motion for reconsideration of the aforementioned December 14, 1987, Order. Judge Jellen denied Stich's request to vacate the order appointing the trustee or in the alternative to remove the trustee. Stich appealed said Order to the Bankruptcy Appellate Panel, which appeal was dismissed for lack of prosecution on June 2, 1988 (hereinafter "June 2, 1988, Bankruptcy Appellate Panel Order").

Thereafter, on July 25, 1988, Stich filed a Notice of Appeal (Appeal Number 88-15114) regarding the above-referenced June 2, 1988, Bankruptcy Appellate Panel Order. While that appeal was pending, Stich filed, in the Ninth Circuit, a request for an emergency stay of the bankruptcy court proceeding, which request was denied on September 23, 1988. (See, Appendix, Exhibit No. 5.)

On January 17, 1989, Stich filed, with the Ninth Circuit, another emergency motion for removal of the trustee. Said motion was denied on January 31, 1989. (See, Appendix, Exhibit No. 6.) Additionally, the January 31, 1989, Order included a scheduling

order on the underlying appeal of the June 2, 1988, Bankruptcy Appellate Order. Stich's opening brief was due on March 14, 1989. As of March 22, 1989, the docket sheet reflected that Stich had not filed an opening brief. (See, Appendix, Exhibit No. 7.)

B. There are no legal issues presented for this Court to review

There are no legal issues presented for this Court to review. Stich presents four (4) questions. The first question, including subparts, deals with the question of whether or not Stich's due process rights have been violated by the allegedly illegal appointment of the bankruptcy trustee. As set forth herein, Stich has opposed the appointment of a bankruptcy trustee in his chapter 11 bankruptcy case currently pending in the Northern District of California, Oakland Division. There have been at least three (3) hearings in which Stich has sought the removal of the trustee, and Stich has sought appellate review of each of those rulings. In each instance, the Court has determined that Stich's case warranted the appointment of a chapter 11 trustee. Stich has used every legal maneuver imaginable to insure that the Bankruptcy Court has considered, and reconsidered, the necessity of having a trustee appointed in this case. Although Stich contends that the trustee was appointed at a hearing in which Stich was not given an opportunity to defend his position, he fails to inform this Court of the numerous hearings at which the same issues were addressed and at which Stich did have an opportunity to address the Court on the necessity of having a trustee appointed. The mere fact that Stich was unable to persuade the Bankruptcy Court to remove the trustee is not tantamount to depriving Stich of his due process rights.

The second question presented by Stich is whether or not the January 20, 1989, Order of the Ninth Circuit enjoining Stich from seeking review of any order which arises out of Stich's bankruptcy case deprives Stich of his constitutional right to court access. However, Stich is not being deprived of access to the Ninth Circuit. In fact there is pending, currently, an appeal in the Ninth Circuit on virtually the identical issues raised in the within petition. (See, Exhibit Nos. 1 and 6.) Where the facts show that a petitioner is not being denied reasonable access to the courts, it is appropriate to deny mandamus. *King v. Nelson*, 389 F.2d 91 (9th Cir. 1968).

Furthermore, he is merely required to seek leave of court before filing additional briefs so that the court can ascertain whether or not Stich is raising new issues, or whether he is seeking review of issues which have already been determined and which are frivolous attempts to disrupt the orderly process of his bankruptcy case. Such a limitation is not unconstitutional. See, *Franklin v. Murphy*, 745 F.2d 1221, 1232 (9th Cir. 1984).

The other two questions presented by Stich are nonsensical. The third question assumes that there is a judicial "gridlock" which is an attempt to silence Stich's exposure of "a major, tragedy riddled, air disaster and superimposed judicial scandal". The fourth question raised asks how the Supreme Court can refuse to address the grave allegations contained in petitioner's brief. Respondent has no comment on the last two questions presented, since respondent has no evidence of a widespread conspiracy to prevent Stich from exposing any scandal.

C. There are no special or important reasons for granting a review of writ of certiorari

There is no basis for granting a review of writ of certiorari in the within matter. Rule 17 of the Rules of the Supreme Court provide that the Supreme Court's certiorari decisions are discretionary, and are not a matter of right. *Durham v. United States*, 401 U.S. 481 (1971). Stich raises no questions of federal law for this Court to decide. Stich is not seeking the review of a decision which conflicts with authority in another jurisdiction. He has not sought review of a decision which is an extraordinary departure from the usual course of judicial proceedings. Nor has there been a decision rendered which conflicts with a decision of this Court. In sum, Stich has failed to cite even one judicially recognized basis for review. Therefore, there is no basis for granting review of this petition.

Furthermore, Supreme Court Rule 26 and Title 28 of the United States Code, Section 1651(a) provide that the issuance of an extraordinary writ is not a matter of right, but of discretion to be sparingly exercised. The petitioner carries the burden of proving: that the issuance of the writ will be in aid of the appellate jurisdiction of this Court; that exceptional circumstances warrant the exercise of this Court's discretionary powers; and that adequate relief cannot be

had in any other form or from any other court. Supreme Court Rule 26. See also, *Wise v. United States*, 369 F.Supp. 30 (W.D. Ky. 1973). As set forth herein, Stich may obtain adequate relief from the Ninth Circuit since he has an appeal pending on the same issues which he seeks reviewed in the within petition.

IV

CONCLUSION

There is no basis for the Court granting review of the within petition. The petitioner is an appellant in a matter currently pending before the Ninth Circuit in which he seeks review of virtually the same issues that he raises in the within petition. Additionally, petitioner raises no legal issues for this Court to review, nor does he carry his burden of proof of establishing that there are special or important reasons as to why the Court should review the within writ. For the foregoing reasons this Court should deny Stich's petition for writ of certiorari.

DATED: MARCH 23, 1989

GOLDBERG, STINNETT
& MACDONALD
A Professional Corporation
Merle C. Meyers
Tracy Green

By TRACY GREEN
Tracy Green
Attorneys for Respondent,
Charles Duck, Trustee

APPENDIX

MEMORANDUM TO CLERK

I certify that the judges concerned concur in this order and authorize its filing.

CHARLES E. WIGGINS
United States Circuit Judge

FILED JANURARY 20, 1989
ARMS UNIT JANUARY 23, 1989

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RODNEY F. STICH, et al.,	)	No. 89-70016
	)	
Petitioners,	)	
	)	
vs.	)	
	)	
U.S. BANKRUPTCY COURT, et al.,	)	ORDER
	)	
Respondents.	)	
	)	

Before: WIGGINS, O'SCANNLAIN, and TROTT, Circuit Judges

Petitioners' petition for a writ of mandamus to the bankruptcy court, request for removal of the trustee, and request for an emergency temporary restraining order are denied.

The court is aware of several prior attempts by petitioner to disrupt the orderly processes of the Bankruptcy Court by filing "emergency" petitions for relief in this court. These have been denied. Furthermore, petitioner's appeal from a decision of the Bankruptcy Appellate Panel denying similar requests for relief is currently pending (appeal no. 88-15114). Accordingly, the Clerk shall refuse to file any further petitions for relief from orders entered or actions taken by the Bankruptcy Court in dockets BK-8-87-123748 or BK-8-87-13758 without prior leave of court. Any

EXHIBIT "1"

such application shall be lodged only, and submitted to the current motion panel for review before filing will be allowed.

MoCal 1/18/89
11

EXHIBIT "1"

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.
ATTEST:

WILLIAM I. WHITTAKER
Clerk, U.S. District Court
Northern District of California
By PATRICIA BUELL
Deputy Clerk
Date: November 3, 1988

ENTERED IN CIVIL DOCKET JUNE 1, 1986
FILED JUNE 6, 1986

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RODNEY F. STICH, Plaintiff, vs. JUDGE MARILYN PATEL, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA; ROGERS, JOSEPH, O'DONNELL & QUINN; BASIL PLASTIRAS; FRIEDMAN, SLOAN AND ROSS, Defendants.	)	No. C-86-0384 SC JUDGMENT -

In accordance with the order entered by the court herein, it is hereby ordered, adjudged and decreed that:

(1) The present action is dismissed with prejudice; and

EXHIBIT "2"

(2) Plaintiff is hereby enjoined from filing any further civil actions in federal court without obtaining leave of court in accordance with the procedures outlined in the court's order.

Dated: June 6, 1986.

HONORABLE SAMUEL CONTI
United States District Judge

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.
ATTEST:

WILLIAM I. WHITTAKER
Clerk, U.S. District Court
Northern District of California
By PATRICIA BUELL
Deputy Clerk
Date: November 3, 1988

FILED JUNE 6, 1986

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RODNEY F. STICH,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. C-86-0384 SC
	)	
JUDGE MARILYN PATEL,	)	
UNITED STATES DISTRICT	)	
COURT, NORTHERN DISTRICT	)	ORDER OF
OF CALIFORNIA; ROGERS,	)	DISMISSAL AND
JOSEPH, O'DONNELL &	)	INJUNCTION
QUINN; BASIL PLASTIRAS;	)	
FRIEDMAN, SLOAN AND ROSS,	)	
	)	
Defendants.	)	
	)	

Plaintiff brought this action under 42 U.S.C. §1983 against Judge Marilyn Hall Patel and several law firms. Plaintiff alleged that Judge Patel's dismissal of his §1983 claims against certain state appellate court justices was the result of a conspiracy

EXHIBIT "2"

between Judge Patel and the lawyers involved to deprive plaintiff of his constitutional rights.

In a lengthy and largely unintelligible complaint, plaintiff charged, inter alia, that Judge Patel "knowingly violated [the] law, unconstitutionally applying them [sic]," (Complaint, ¶8, p. 9), that she "fabricated and misstated the facts and the law" (Complaint, ¶9, p. 9), and that she "deprived and violated plaintiff's right to federal court jurisdiction, by dismissing plaintiff's complaint against the judicial defendants without allowing plaintiff a hearing on the matter, and without allowing the case to go to discovery and trial." (Complaint, ¶10, p. 9.)

The above allegations related to Judge Patel's dismissal of plaintiff's attempt to "appeal" a state appellate court judgment regarding his marital status via a §1983 suit alleging conspiracy on the part of the state court judges. Elsewhere, plaintiff adverts to alleged misconduct on the part of the Federal Aviation Administration and attempts to implicate not just Judge Patel, but the entire judiciary of this circuit in an alleged conspiracy to deprive him of his constitutional rights. (See Complaint, pp. 24-26.)*/

In an order dated March 25, 1986, this court dismissed plaintiff's complaint with leave to amend to state sufficient facts to satisfy the notice pleading requirements of Fed. R. Civ. P. 8(a)(2). The court stated as follows:

> The court will not here attempt to recreate or individually address each of the confusing and repetitive allegations of plaintiff's 30-page complaint. Distilled to their essence, these allegations all amount to a purported claim that the defendants have either fabricated falsehoods regarding plaintiff or have somehow misused the judicial process in an attempt to deprive plaintiff of

---

*/ Plaintiff's Amended Complaint is characterized by the same sort of allegations. At ¶26 of the Amended Complaint, for example, plaintiff alleges as follows: "By misstating the law and the facts the Ninth Circuit courts defused a major aviation and government scandal that was linked by evidence plaintiff provided to hundreds of deaths in several major airline crashes . . . . The Ninth Circuit Court of Appeals received the FAA action as number 75-2300, and promptly used the same tactics plaintiff received from Judge Petal [sic] to improperly dispose of the action."

> his constitutional rights. Upon a careful review of plaintiff's complaint, and giving the allegations therein the most liberal possible construction, the court finds that plaintiff fails to satisfy even the liberal notice pleading requirements of Fed. R. Civ. P. 8(a)(2).
>
> . . . .
>
> Like the allegations involved in the cases cited above, plaintiff's allegations herein, charging that defendants somehow committed a constitutional tort against plaintiff by invoking or applying the Federal Rules of Civil Procedure, or by "fabricating falsehoods" about him which remain totally unidentified, are too vague and generalized for defendants to properly prepare responsive pleadings thereto. Nor is the complaint rendered any more specific by its prolixity. Accordingly, the court finds that plaintiff's complaint must be dismissed with leave to amend to allege particular facts sufficient to support his claims.

On April 25, 1986, plaintiff filed a document captioned "Amended Complaint" which in essence is merely a copy of his original complaint.

In its previous order, this court gave plaintiff the opportunity to amend his complaint to meet the requirements of Fed. R. Civ. P. 8(a)(2). Moreover, it informed him of its intent to dismiss the action with prejudice if he failed to so amend within 30 days of the date of that order. The April 25, 1986 document is not an amendment. Since plaintiff has failed to properly amend, the court finds that this action should be dismissed with prejudice pursuant to Fed. R. Civ. P. 12(b)(6). See *Potter v. McCall*, 433 F.2d 1087, 1088 (9th Cir. 1970); *Franklin v. Murphy*, 745 F.2d 1221, 1226 (9th Cir. 1984).

Furthermore, because plaintiff has overwhelmingly demonstrated that he is a vexatious litigant, both here and in state court, he is hereby enjoined from filing any civil actions in federal court without leave of court. Such leave may be obtained from the general duty judge if that judge finds the claim has merit. In

seeking leave of court, plaintiff must certify that the claims he wishes to present are new claims never before raised and disposed of on the merits by any federal court. Upon failure to so certify or upon a false certification, plaintiff may be found in contempt of court and punished accordingly. *Franklin v. Murphy*, supra, 745 F.2d at 1232.

This injunction, of course, applies only to the further initiation of civil actions in federal district court, and has no effect on plaintiffs rights to file appeals from this or any other judgment with the Court of Appeals.

In accordance with the foregoing, it is hereby ordered that:

(1) The present action is dismissed with prejudice; and

(2) Plaintiff is hereby enjoined from filing any further civil actions in federal court without obtaining leave of court in accordance with the procedures outlined above.

Dated: June 6, 1986.

HONORABLE SAMUEL CONTI
United States District Judge

FILED JUNE 6, 1986

UNITED STATES BANKRUPTCY COURT,

NORTHERN DISTRICT OF CALIFORNIA

In re

RODNEY F. STICH, No. 4-87-05974J

Debtor.

_____/

In re

WESTERN DIABLO ENTERPRISES, No. 4-87-05975J

Debtor.

_____/

ROBIL, INC., SUPERIOR HOME LOANS and WILLIAM HENSON,

Moving Party,

vs.

RODNEY FRANK STICH, WESTERN DIABLO ENTERPRISES,

Respondent.

_____/

PERMANENT INJUNCTION

GOOD CAUSE APPEARING as set forth in the Court's Memorandum Re Permanent Injunction of even date herewith; it is

ORDERED, as follows:

Permanent Injunction

EXHIBIT "3"

1. This Court's Order Granting Leave to Withdraw as Counsel, filed May 19, 1988, remains in full force and effect. Accordingly, debtor shall not file or otherwise initiate any applications, motions or other contested matters, adversary proceedings, or reorganization plans in this Court unless this Court has first authorized the debtor to so proceed as provided therein.

2. Debtor shall not file any complaints in any court of record of any State against any party in interest in the above-captioned bankruptcy cases, as set forth in Exhibit A hereto, or any of their respective attorneys of record herein, unless this Court has first authorized the debtor to so proceed.

3. Debtor shall not file any complaints in any United States District Court against any party in interest in the above-captioned bankruptcy cases, as set forth in Exhibit A hereto, or any of their respective attorneys of record herein, unless he is first authorized to so proceed by the United States District Court for the Northern District of California in accordance with the Order of Dismissal and Injunction filed June 6, 1986 in *Stich v. Patel*, No. C-86-0384 SC, a copy of which is annexed hereto as Exhibit B.

4. In the event the debtor wishes authorization pursuant to paragraph 2 hereof, debtor shall submit to this Court (but shall not file or serve) all documents which the debtor proposes to file, together with a proposed order by which the filing is authorized.

5. In the event such authorization is given, debtor shall be responsible for the filing and service of the documents in question. Debtor shall be responsible for the submission of any proposed documents to the Court sufficiently in advance of any deadline or the expiration of any limitations period to provide the Court with adequate opportunity to review the proposed documents before passage of the deadline in question. Any documents submitted less than fifteen (15) days in advance of the applicable deadline shall not be deemed timely for purposes of this subparagraph.

6. This Order shall not be construed to prohibit the debtor from applying for approval of a stipulation or from responding to any adversary proceeding, complaint, motion or application initiated by another person, but shall apply to any cross-complaint,

third party complaint, counterclaim or other new matter which the debtor wishes to assert therein.

7. Moving parties Robil, Inc., Superior Home Loans and William Henson may serve a copy hereof on the debtor, trustee, all persons who have filed a request for special notice herein, all claimants scheduled by the debtor and all persons, not scheduled, who have filed a proof of claim herein.

8. Said moving parties and their sureties are hereby exonerated on the $100 undertaking provided pursuant to paragraph 9 of this Court's Preliminary Injunction issued December 5, 1988. The Clerk of this Court shall refund any sums deposited in connection therewith.

9. Nothing contained herein shall be construed to preclude moving parties from filing or requesting payment of any claims herein including any claims pursuant to Bankruptcy Code 503(b)(3)(D) and 503(b)(4) arising from the prosecution of their motion for an injunction herein.

10. This injunction, and the prohibition contained in the Order mentioned in paragraph 1 hereof, shall remain in effect until both of the above-captioned bankruptcy cases shall have been closed or dismissed pursuant to final order of this Court. Until such time, the Court may, for cause, sua sponte or on application of any party in interest, modify, supplement or enforce this injunction, or any provision hereof.

11. The Court reserves jurisdiction to enforce paragraph 11 of the Court's Preliminary Injunction filed December 5, 1988, and to initiate civil or criminal contempt of court proceedings in respect of debtor's failure to comply therewith.

Dated: January 4, 1989.

HONORABLE EDWARD D. JELLEN
United States Bankruptcy Judge

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Attorney for Emma Stich, and Friedman, Sloan & Ross

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Attorneys for Emma Stich

ENTERED IN CIVIL DOCKET SEPTEMBER 30, 1987
FILED SEPTEMBER 30, 1987

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

IN RE	BK-S-87-1376 Chapter 11
RODNEY F. STICH	
DEBTOR	
IN RE	BK-S-87-2067 Chapter 11
WESTERN DIABLO ENTERPRISES, INC.	ORDER MODIFYING AUTOMATIC STAY
DEBTOR	Date: Sept. 11, 1987 Time: 9:00 a.m.

EXHIBIT "4"

On September 11, 1987 the MOTION FOR RELIEF FROM AUTOMATIC STAY; AND MOTION FOR APPOINTMENT OF TRUSTEE OR EXAMINER WITH EXPANDED POWERS filed by Emma Stich and by Friedman, Sloan & Ross came on for hearing. Also before the Court was the continued hearing on the MOTION FOR RELIEF FROM STAY filed by Robil, Inc.

Present were the Debtors and Joshua M. Landish and Vernon L. Bradley on behalf of the Debtors; Rene Ellen Feinstein and Jeffrey S. Ross on behalf of Emma Stich and Friedman, Sloan & Ross; and Estelle C. Mannis on behalf of Robil, Inc.

Having reviewed the pleading on file herein and heard the arguments of counsel, it is intent of this Court that it should abstain from hearing the above-captioned bankruptcy cases and therefore, pursuant to 11 U.S.C. §305, an order dismissing the cases will be entered within 60 days of the hearing. Pending dismissal of the cases,

IT IS HEREBY ORDERED that the automatic stay is modified as follows:

1. The automatic stay is hereby terminated with respect to all litigation pending by or against the Debtor in all state and federal courts, including the California Court of Appeal.

2. The automatic stay is not terminated with respect the commencement or continuation of any foreclosure against any property of the above-captioned bankruptcy estates.

3. The Debtors shall forthwith do whatever is necessary to achieve refinancing of the secured Notes held by Robil, Inc. and the parties shall appear before the Court for a status hearing on November 10, 1987 at 1:30 a.m.

Dated this 28th day of September, 1987.

HONORABLE R. JONES
United States Bankruptcy Judge

Order prepared by

Rene Ellen Feinstein,
Attorney for Emma Stich and
Friedman, Sloan and Ross

Approved/Disapproved

Joshua M. Landish,
Attorney for Debtors

Approved/Disapproved

Estelle C. Mannis,
Attorney for Debtors

EXHIBIT "4"

MEMORANDUM TO CLERK

I certify that the judges concerned concur in this order and authorize its filing.

EDWARD LEAVY
United States Circuit Judge
FILED SEPTEMBER 23, 1988

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re:	)	No. 88-15114
	)	
WESTERN DIABLO ENTERPRISES, et al.,	)	
	)	
Debtors.	)	
	)	
RODNEY F. STICH, et al.,	)	DC# NV-87-2307-AsMoV
	)	
Appellants,	)	
	)	
vs.	)	
	)	
ROBIL, INC., et al.,	)	ORDER
	)	
Appellees.	)	
	)	

Before: BROWNING, KOZINSKI and LEAVY, Circuit Judges

Appellants' emergency application for a stay of bankruptcy court proceedings is denied.

Appellant apparently has not paid the filing fee or filed a civil appeals docketing statement in this appeal, filed July 25, 1988. Within 14 days of entry of this order appellant shall (1) pay the docket fee and file a proof of such payment in this court, and (2) file a completed civil appeals docketing statement. If appellant

EXHIBIT "5"

fails to comply with this order, the Clerk shall dismiss the appeal without further warning. Ninth Cir. Local R. 42–1.

MoCal 9/20/88

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MEMORANDUM TO CLERK

I certify that the judges concerned concur in this order and authorize its filing.

United States Circuit Judge

FILED JANUARY 31, 1989
ARMS UNIT FEBRUARY 8, 1989

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

In re: WESTERN DIABLO ENTERPRISES, et al., Debtor.	
In re: RODNEY F. STICH, et al., Debtor.	
RODNEY F. STICH, et al., Appellants,	No. 88-15114
vs.	DC# NV-87-2307-AsMoV
ROBIL, INC., et al., Appellees.	ORDER

Before: O'SCANNLAIN and TROTT, Circuit Judges

Appellant once again requests emergency removal of the trustee in bankruptcy and injunctive relief. The request is denied.

This appeal is released from the prebriefing conference program, and the opening brief is now due 42 days from the date of this order. Further briefing shall proceed in accordance with Fed. R. App. R. 31(c).

Appellant shall note that this appeal is from the Bankruptcy Appellate Panel's June 2, 1988 order dismissing an appeal from the

EXHIBIT "6"

Bankruptcy Court for lack of prosecution. The opening brief shall be restricted to issues relating to the propriety of that dismissal only.

MoCal 1/27/89
4

8/12/88 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. Sent appellant(s) civil appeals docketing statement. Attached to N/A is a Supplemental N/A and designation of record. Fee payment due 8/26/88. (lu)

8/12/88 Filed certificate of record on appeal. [88-15114] (lu)

9/12/88 Filed Aplt's emergency mtn for restraining order or injunction to halt order to show cause hearing for criminal contempt. (CIVATT) [88-15114]; served on 9/12/88 [1219974] (db)

9/22/88 Filed Appellant Rodney F. Stich's motion for stay payment of void money order during appeal of order, served on 9/20/88 [1249174] (CIVATT) [88-15114] (dg)

9/22/88 Filed Appellant Rodney F. Stich's motion to stay of all Bankruptcy proceedings, and further relief, served on 9/20/88 [1249190] (CIVATT) [88-15114] (dg)

9/23/88 Filed order (BROWNING, KOZINSKI, LEAVY) Appellant's emergency application for a stay of bankruptcy court proceedings is denied. [1249190-1] Aplt apparently has not paid the filing fee or filed a CADS in this appeal, filed 7/25/88. Within 14 days of entry of this order, aplt shall pay the docket fee and file a proof of such payment in this court and file a completed CADS. If aplt fails to comply with this order, the Clerk shall dismiss the appeal without further warning. Setting response: response to order to pay fees and file CAD is due on for Rodney F. Stich [88-15114] (ck)

9/29/88 Sent Appellant Rodney Stich a Civil Appeals Docketing Statement this date. [88-15114] (ck)

10/6/88 Rodney Stich brought check for $100.00 in to the clerk's office this date but was told he had to pay BAP in Pasadena. [88-15114] (dg)

10/6/88 Received Rodney F. Stich Civil Appeals Docketing Statement, deficient; fee not paid; served on 10/5/88 (CONFATT) [88-15114] [88-15114] (dg)

10/11/88 Received notification from Bankruptcy Appellate Panels of payment of docket fee (date paid: 10/11/88) [88-15114] (lu)

1/17/89 Filed Appellant Rodney F. Stich emergency motion for removal of trustee seizure of assets and liquidation, occurring under illegal, corrupts and unconstitutional actes 28 U.S.C. 12912(a)(1) FRAP 8. [88-15114]; served on 1/8/89 [1552596] (CIVATT) (sm)

1/31/89 Filed order (O'SCANNLAIN and TROTT): Appellant once again requests emergency removal of the trustee in bankruptcy and injunctive relief. The request is denied. This appeal is released from the prebriefing conference program, and the opening brief is now due 42 days from the date of this order. Further briefing shall proceed in accordance with Fed. R. App. P. 31(c). Appellant shall note that his appeal is from the Bankruptcy Appellate Panel's 06/02/88 order dismissing an appeal from the Bankruptcy Court for lack of prosecution. the opening brief shall be restricted to issues relating to the propriety of that dismissal only. [1552596-1] appellants' brief due 3/14/89 for Western Diablo Ent., for Rodney F. Stich; [88-15114] (sm)

PROOF OF SERVICE BY MAIL

I, the undersigned, state that I am employed in the City and County of San Francisco, State of California, in the office of a member of the bar of this Court, at whose direction the service was made; that I am over the age of eighteen years and not a party to the within action; that my business address is 44 Montgomery Street, Suite 1700, San Francisco, California 94104-4789; that on the date set out below, I served three copies of the attached

OPPOSITION OF RESPONDENT,
CHARLES DUCK, TRUSTEE
TO PETITION FOR WRIT OF CERTIORARI

on each party listed below by placing such copies, enclosed in a sealed envelope with first class postage thereon affixed, in a United States Postal Service mailbox at San Francisco, California, addressed to each party listed below.

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California, on this 24th day of March, 1989.

MARIE MEADOWS

Rodney F. Stich
P.O. Box 766
Alamo, CA 94507

Rodney F. Stich
238 Leisure Lane
Reno, Nevada 89502

The Honorable Edward D. Jellen
United States Bankruptcy Judge
United States Bankruptcy Court
13th & Alice Streets
Oakland, CA 94612

Supreme Court, U.S.
FILED
MAR 27 1989
JOSEPH F. SPANIOL, JR.
CLERK

(3)

NO. 88-1452

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER 1988 TERM

RODNEY F. STICH

Petitioner

UNITED STATES BANKRUPTCY COURT,
JUDGE EDWARD JELLEN,
CHARLES DUCK, TRUSTEE,
Respondents.

On Writ of Certiorari to the United States
Court of Appeals for the Ninth Circuit

APPELLANT'S REPLY BRIEF

Rodney F. Stich
P.O. Box 5
Alamo, Calif. 94507
Phone: 415-820-7250
Petitioner in pro se

25 pp

NO. 88-1452

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER 1988 TERM

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UNITED STATES BANKRUPTCY COURT,
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685 F.2d 446 (9th Cir.)(table)
cert. denied, 459 U.S. 861 (1982) . . 4

This reply brief addresses arguments raised in respondent trustee's opposition brief. It also makes reference to, and incorporates, petitioner's motion for writ of stay/injunction submitted to Chief Justice Rehnquist by March 21, 1989 mailing.

I. SUMMARY OF ARGUMENT

THE PRIMARY ISSUE

The primary question raised in this petition is whether petitioner's life's assets were seized in violation of constitutional due process, and violated clear and settled rights and protections in law.

Respondent admits that the assets were seized without petitioner having a right to defend, and without the statutory requirement of a noticed hearing, legally recognized cause, and supporting evidence.

The other arguments raised by respondent are secondary to these main issues. Nevertheless, they raise issues of grave implications, including widespread judicial misconduct in the Ninth Circuit.

Respondent seeks to deceive this Court by half-truths, misstatement of the facts, and of the law, and cause this Court to align itself with felons in a major

air disaster, government, and judicial scandal, of which respondent plays a key role.

II. RESPONDENT'S BRIEF IS RIDDLED WITH ERRORS AND DECEPTION

Respondent gives only cursory attention to the issue of the seizure of petitioner's life's assets (p.3), and doesn't deny that the wrongful seizure occurred. Respondent seeks to give the unconstitutional seizure, legitimacy, by stating that appellate courts have reconsidered the appropriateness of the trustee's appointment, and in each instance it was determined that a trustee was needed.(p.3). The courts never reached the issues; the bankruptcy appellate panel refused to answer any of the briefs; judge Legge made a sua sponte dismissal of a complaint in mandamus, never addressing the issues, and denying petitioner his due process on the basis of a prior injunctive order forever barring petitioner from seeking relief in any state or any federal court. The Ninth Circuit stated (p.2) that petitioner's attempts to remove the trustee, object to payment of void California money orders, objection to criminal contempt for exercising due process, objection

to injunctive orders suspending for petitioner all due process, were disruptive and frivolous acts.

The Ninth Circuit denied petitioner relief by the judicial tactic of placing a frivolous label on major federal causes of action, being the United States equivalent of suspending the laws and constitution of the United States to strip a party of all due process. The frivolous label reversed the common sense and Supreme Court's definition of the term, and was then used to "support" all subsequent due process denial. Each of the federal actions upon which the frivolous label was tacked stated multiple federal causes of action of constitutional magnitude, and reflected grave misconduct within the federal courts and associated with the air disaster, government, and judicial scandal.

The frivolous tactic was then enlarged by calling petitioner a vexatious litigant. On page 2 of respondent's brief, petitioner's exercise of remedies addressing the corrupt, illegal, and unconstitutional seizure of a multi-million dollar estate that funded the exposure of the judicial misconduct associated with the air disaster scandal was called disruption of the orderly

process of the bankruptcy court. "Orderly," in the perverted interpretation by the Ninth Circuit, means the corrupt seizure of properties to silence a whistleblower, the rendering of orders barring petitioner from exercising procedural remedies addressing the unconstitutional taking, and the imposing of a federal penitentiary term on the victim, when the victim desperately seeks help under the laws and Constitution of the United States from literal judicial thugs of the Ninth Circuit!

THE UNDERLYING BASIS FOR DUE PROCESS GRIDLOCK

Petitioner uncovered a major air disaster scandal which extended into a government and judicial cover-up, which in turn sacrificed hundreds of persons in fraud related air tragedies. This scandal was first brought to the attention of the U.S. Supreme Court in two federal actions.[1] Petitioner's exposure actions then threatened to expose those committing the air disaster felonies, and those covering up who made the

[1] Stich v. United States, et al., 554 F.2d 1070 (9th Cir.) (table), cert. denied, 434 U.S. 920 (1977); Stich v. National Transportation Safety Board, 685 F.2d 446 (9th Cir.)(table), cert. denied, 459 U.S. 861 (1982).

subsequent tragedies possible, being the federal judges. A scheme using a sham California action was then initiated to destroy petitioner's assets which funded his exposure activities that threatened the federal judges with exposure. When the California scheme didn't go as planned, and subsequent events revealed the part played by federal judges, numerous unconstitutional injunctive orders were rendered by federal judges. These injunctive orders barred petitioner from seeking relief for the future air disaster victims, barred petitioner from seeking relief from the harms inflicted upon him, and protected the related California scheme.

Petitioner, whose estate was in excellent financial condition, was forced to seek relief in chapter 11 bankruptcy following the (a) filing of a sham California action; (b) denial of all California due process; (c) denial of federal remedies. The California action attacked the personal and property rights adjudicated in a 1966 divorce judgment, (b) reestablished in the registration and confirmation of the judgment as a California judgment, (c) and acquired during 22 years of divorced status. The cause of action was an attack

upon these federally protected rights, alleging that the exercise of personal jurisdiction by the 1966 court on the basis of residence--as used by millions of other persons--would not be recognized 22 years later. Two decades of adjudicated and acquired personal and property rights were wrongfully voided.

Respondent has falsely represented to this Court that the California action is a dissolution of marriage action (p.4), rather than an attack upon personal and property rights that is prohibited under numerous federal rights and privileges, and decisions of the U.S. Supreme Court. The parties divorced status, and personal and property rights, have been (a) established for the last 22 years by the 1966 divorce judgment rendered while petitioner was a resident of that jurisdiction for five months; (b) established by the confirmation of the 1966 judgment as a California judgment; (c) established as a local judgment in the States of Nevada, Oklahoma, and Texas by the entry of the California confirmed judgment in their respective courts.

California law does not recognize an attack upon

a prior divorce judgment as a dissolution of marriage action.[2] California statutory law and California Supreme Court decisions do not permit attacks upon prior divorce judgments. Federal case law prohibits attacks upon personal and property rights when exercising constitutional right to unabridged travel, and clearly does not permit voiding 22 years of adjudicated personal and property rights by a refusal to recognize the exercise of jurisdiction upon residence. Due process and equal protection prohibits that attack when millions of California and other parties exercise jurisdiction on the same basis.

That sham residence argument was judicially engineered to support the attack upon petitioner's assets that funded petitioner's exposure activities. After petitioner exercised procedural remedies against the sham argument, unconstitutional judicial obstruction to due process was repeated perpetrated in the state and federal courts. When petitioner recognized the link between the judicial block and the air disaster scan-

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[2] California Rules of Court 1201(c), 1211, 1212, 1215, 1222, 1229, 1230, 1281, 1282.

dal, injunctive orders were then rendered to block due process remedies addressing the relationship.

The sham California action tied up all of petitioner's properties to where his business came to a standstill. Petitioner commenced losing properties when the illegal lis pendens prevented routine refinancing of mortgages. The federal courts protected every violation of civil and constitutional rights, protected the participants in the scheme, while simultaneously stripping petitioner the right to defend, by a pattern of injunctive orders denying court access.

Respondent makes reference to an appeal (p.2) that petitioner has pending, and that petitioner has not exhausted lower court remedies. That appeal has been preceded by at least half dozen others, each raising multiple federal causes of action in the original complaint, and violation of procedural due process requiring vacating the trial court's dismissal. In every case, the appellate courts refused to address the issues, fabricated a sham basis for upholding the lower court's improper dismissal, protecting the scheme.

The classic example of suspension of due process

is the order respondent includes in their brief. (p. 2)

The bankruptcy judges refused to provide relief from the multiple civil and constitutional violations, and instead, protected and rewarded those committing the violations, and who were part of the scheme to silence this great air disaster, government, and judicial scandal. Every void money order rendered in the sham California action, where the state judges acted without jurisdiction, was ordered paid from the bankruptcy estate, and every objection was disregarded. Civil actions addressing those committing recognizable torts against the conspirators were promptly dismissed by the bankruptcy court, with the magical "frivolous" label applied, and without addressing the causes of action stated in the complaints. For petitioner, the laws and constitution of the United States had been suspended, to protect the conspiracy related to the ongoing air tragedies.

The unconstitutional and fraudulent seizure of petitioner's assets was protected by every judge and justice in the Ninth Circuit, as judge protected judge, to protect the worsening air disaster, government and

judicial scandal, and strip petitioner of due process.

The judicial corruption required heaping fraud upon fraud. The frivolous doctrine was reversed to strip petitioner of all due process. He was then labeled a vexatious litigant when he desperately sought relief under available under the laws and Constitution of the United States. Unconstitutional injunctive orders were rendered to compound the already existing suspension of due process. The judicial schemers stripped him of funds to hire legal counsel. And when counsel was hired, in each case, clear sabotage by counsel followed, showing the awesome and dangerous power of a corrupted federal judiciary. And when this wasn't enough, they sentenced him to the federal prison!

RESPONDENT SEEKS SUPREME COURT APPROVAL OF MAJOR CONSTITUTIONAL VIOLATIONS

Respondent makes reference (p.2) to the numerous injunctive orders rendered by the Ninth Circuit judges, which violated fundamental due process and equal protection rights, and seeks Supreme Court approval. The injunctive orders barred petitioner access to the courts. The requirement to first informally sub-

mit filings to the court for approval deprived petitioner of the appeal remedies. The frivolous labels previously applied to major civil and constitutional violations insured that no cause of action could conceivable receive approval to be filed. Further, petitioner was denied the same due process and equal protection that even vicious criminals enjoy, under the perverted mentality of the entrenched Ninth Circuit judges and justices.

Respondent makes reference to bankruptcy judge Edward Jellen's injunctive orders, which compounded the newly appointed judge's approval of the illegal, unconstitutional, and corrupt seizure of petitioner's properties. The injunctive orders barred petitioner from filing any oppositions, appeals, other papers, and barred petitioner from filing complaints addressing non-bankruptcy matters, causing petitioner to lose causes of action due to statute of limitations. That order obviously violates due process and equal protection, and rendered for the same basis as the others; bar petitioner from addressing any aspect of the scandal, including the right to relief from destruction of

every conceivable human right.

Respondent seeks to have this court approve the prison sentence imposed upon him by newly appointed bankruptcy judge Edward Jellen, as punishment for filing oppositions and appeals to the seizure of petitioner's life's assets. Respondent argues that petitioner (p.2) has not yet been jailed by Judge Jellen, and thus has not been deprived a protected right. Petitioner was sentenced to prison under these constitutionally preposterous conditions, denied a jury trial, denied disqualification of a biased and corrupt bankruptcy judge, denied the right to testify on his own behalf. Petitioner now sits in fear, of being arrested, handcuffed, and without legal counsel, incarcerated and stripped of any other remaining rights. Respondent approves of this.

Respondent raises the number of lawsuits petitioner has filed. Every action responded to civil and constitutional violations inflicted upon petitioner, and stated multiple federal causes of action. If the attacks were not so voluminous, and the federal judges did not abdicate their responsibilities, there would have been no need for the multiple lawsuits.

Respondent argues and impliedly admits the appointment of the trustee without due process and in violation of Congressional protections (p.3), but then claims that the repeated denial of relief by the Ninth Circuit courts protects the seizure. This perverted thinking overlooks the fact that the repeated denial of relief supports the need for the Supreme Court to finally exercise its supervisory responsibilities, and shows again the judicial due process gridlock that protects the outrages.

Respondent argues that "Stich has failed to raise any legitimate basis for granting the review of his petition." (p.3) A taking of ten million dollars in properties, and converting a citizen to abstract poverty, overnight, by corrupt judicial acts, doesn't raise a cause of action in the deviated thinking of respondent. But then, if this Court, or any other group, were to expose this scandal, the trustee would face serious criminal and other charges.

BIZARRE SOURCE OF SUPPORT

After arguing that respondent's exercise of procedural due process under these conditions disrupted

the orderly process of the bankruptcy court, respondent then seeks support (p.7) in Franklin v. Murphy.

Incredible! Franklin was an action in which a prisoner filed over 41 civil right violation actions, raising such trivia as (a) failure of the prison to provide an elevator for his convenience; (b) limiting his association with other inmates; (c) over-watering the prison lawn; (d) failure to have seat belts for horses, as required in automobiles; (e) a television announcer calling an 18-wheel truck a 14-wheeler; and trivia of that nature. Ironically, the holdings in Franklin prohibits the frivolous label, prohibits the injunctive orders barring court access, and undermines the bulk of the judicial violations and the respondent's arguments.

Franklin made reference to Anders v. California 386 U.S. 738 (1967), which in turn holds that a frivolous label cannot be applied to any arguable cause of action, which was far exceeded by any of petitioner's complaints. The frivolous label is the heart of the Ninth Circuit's strategy to strip petitioner of all due process while misusing the federal judiciary to destroy him, and hopefull, destroy petitioner's exposure activi-

ties. For passing, even that scheme backfired. The details of this judicial scandal are now known by the news media, hundreds of radio and television stations in the United States and Canada, and some in Europe, and by every member of the Senate, and most of the members of the House. Many are now part of the conspiracy of silence that extracts as a price, the deaths of unsuspecting persons in continuing related air tragedies.

Franklin made clear that even prisoners cannot be barred access to the courts, even when filing under the restrictive section 1915(d). Franklin's complaints were trivia, while petitioner's were hard-core major civil and constitutional violations. Franklin was allowed to file, but petitioner was stripped of his properties, his freedom, his liberties, solely to silence his public spirited attempts to halt the human carnage arising from the air disaster felonies and misconduct, made possible by the judicial coverup.

After all this, incredibly, respondent seeks support in King v. Nelson, alleging that petitioner is not being denied reasonable access to the courts. (p.6)

III. RESPONDENT'S BRIEF DOES NOT DENY VIOLATIONS:

Respondent does not deny that petitioner's assets were seized while violating constitutional due process; while violating Congressional statutory rights to a noticed hearing, legally recognized cause, supporting evidence. Respondent relies on deception.

IV. CONSEQUENCES OF REFUSAL TO GRANT A HEARING

The allegations stated herein only cover part of the story. Worst still remains. This Court has a responsibility, both from a supervisory responsibility over the lower courts, and from responsibilities under, inter alia, Title 28 U.S.C. § 1343 and Title 42 U.S.C. § 1986. Although the Supreme Court cannot address all violations presented, it certainly has a responsibility when an entire Ninth Circuit runs amuck, establishing as policy the perversion of the laws and Constitution of the United States, the destruction of a targeted whistleblower, and the related past and future deaths of persons no match for the criminal misuse of the judicial process by those federal judges paid and en-

trusted to uphold the law.

Petitioner is prepared to present this court with a full factual account that establishes without doubt in the minds of any reasonable persons, the allegations stated within these pages, including (1) petitioner uncovered what may be the world's worst, ongoing, air safety/air disaster scandal; (2) that federal judges and justices have initially covered up for the air disaster causing felonies,[3] knowingly sacrificing the many, many, hundreds who perished in air tragedies caused and permitted to occur by the coverup; (3) that federal judges/justices initiated a judicial scheme to destroy the petitioner air safety activist, by commencing a sham cause of action in the California courts that had been held unconstitutional by this Court for the past half century and which violated dozens of California statutes, rules of court, doctrines of law, California Constitution, federal statutes and case law, and U.S. Constitution.

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[3] Stich v. United States, et al., 554 F.2d 1070 (9th Cir.) (table), cert. denied, 434 U.S. 920 (1977); Stich v. National Transportation Safety Board, 685 F.2d 446 (9th Cir.)(table), cert. denied, 459 U.S. 861 (1982).

Further, (4) that federal judges reacted to petitioner's discovery and reporting of the botched scheme, by (a) depriving petitioner access to the courts, (b) corruptly placing a frivolous label on complaints raising multiple violations of federally protected rights, (c) compounding these procedural due process violations by ordering huge financial sanctions for exercising constitutionally protected rights and those provided by Congress, (d) by rendering illegal and unconstitutional injunctive orders stripping petitioner of his citizenship and residence status right to court access and the rights and protections in law and Constitution, (e) and then sentencing the air safety activist to prison when he exercised these rights to expose the ongoing air disaster, government and judicial scandal and the relationship to horror and deaths of innocent persons.; that the judicial due process gridlock arises from these acts.

V. THIS COURT LACKS DISCRETION TO APPROVE THESE OUTRAGES BY ABSTENTION

Under this Court's supervisory responsibilities, this Supreme Court has the responsibility to act, or

share in the blame for the consequences that petitioner, and others in the underlying air tragedies, will suffer. This court is reminded of the heavy death toll following this court's previous refusal to grant certiorari in the 1974 and 1980 actions against the Federal Aviation Administration and the National Transportation Safety Board. The specific deaths of over 1000 persons in air tragedies directly related to the misconduct are clearly shown. Deny certiorari, and this related death toll will surely increase substantially, by the thousands in the years ahead. There is no way that the hard-core misconduct can be addressed, without a public disclosure. In addition, the federal courts have already been corrupted to a degree that threatens our form of government. We have in the Ninth Circuit the equivalent, and worse, of the Cook County judicial corruption. These grave judicial wrongs are directly within this Court's area of responsibilities.

CONCLUSION

Grave issues are raised in this petition, of national importance, affecting the lives of innocent persons, addressing the subversion of protected rights by

an entire Ninth Circuit court, for which remedies in law do not exist in fact. Abstention establishes the Supreme Court of the United States approving literal subversion of our form of government, and the sacrifice of innocent persons to protect judicial cowards that constitute one of the worst threats to our form of government.

DATED: March 26, 1989.

Rodney F. Stich
Petitioner in pro se

PROOF OF SERVICE BY MAIL

I, the undersigned, state that I am over the age of 18 years, and not a party to the action stated herein. My place of residence is 43 California Creek, Danville, California.

On March 27, 1989 I served the following reply brief by placing a true copy in an envelope addressed to each of the persons named below, at the address set out immediately next to each respective name, and by sealing and depositing the envelope in the United States mail at Alamo, California, with postage fully prepaid:

Judge Edward Jellen, U.S. Bankruptcy Court
13th & Alice Street, Oakland, CA 94612

Goldberg, Stinnet & MacDonald
Suite 1700, 44 Montgomery St
San Francisco, CA 94104

I declare under penalty of perjury that the foregoing is true and correct. Executed at Alamo, California, on this 27th day of March 1989.

Stephanie Stadtler